

APPROVED: Meeting No. 35-84

ATTEST: *Helen M. Nevezha*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 28-84

August 29, 1984

The Mayor and Council of Rockville, Maryland, convened in work session in the Board and Commission Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 7:00 p.m. on Wednesday, August 29, 1984.

PRESENT

Mayor John R. Freeland

Councilman Steve Abrams

Councilman Douglas Duncan

Councilwoman Viola Hovsepien

Councilman John Tyner, II

Mayor Pro Tem Tyner in the Chair.

In attendance: City Manager Larry Blick; City Attorney Paul Glasgow;
Secretary Patricia Rager.

Re: Work Session on
Ethics Ordinance

The City Attorney briefed the Mayor and Council on the background of the Ethics ordinance. It was first adopted in 1982 but the State was not satisfied with the City's ordinance and wanted full compliance. A task force was formed to study the City's law vs. the State's requirements. He mentioned that the old ordinance did not apply to all employees and officials and the State says it should apply to all.

Mr. Blick explained that department heads had many questions and it was thought that employees below department heads would also have questions, so a staff task force was put together. They have not finished their review and are still meeting.

Councilman Duncan said he would like to see the Direct Economic Impact issue put into the Ordinance in order to bring the City ordinance closer to State standard.

Mr. Glasgow said he would like some direction from the Council as to their goals and objectives. As he sees it there is no problem with the Financial Disclosure or the Lobbying sections of the Ordinance. The problem seems to be with the Conflict of Interest section. He said he has his own ideas and views but needs the Council's policy in order to determine how to reshape or restructure the section. He said the first question is employment status and should the City move from an objective to a subjective view. If this is what the Council wants, he suggested they form a commission to deal with the cases. He explained that by taking a subjective view it would be a value question and he as an attorney can only look at an objective point of view.

He next mentioned that the present ordinance requires officials to refrain and abstain and disclose if there is a conflict of interest. He asked if that is enough or should the City go to prohibition. His third point was should the City make the law applicable to all employees.

Councilman Abrams said if the City were to use disclosure then he does not see the basis for having subjective review. The Council discussed at length these three points brought up by the City Attorney.

Councilman Abrams said he would like to reopen the question of representation before the City by a person on one of the City's Board or Commissions. And, he would like prohibition of all employees and officials.

Mayor pro tem Tyner addressed another major issue and that is part-time versus full-time employment. He asked if there is a way to differentiate between the two.

Councilman Duncan said he would like to see something like the County's Ethics Commission established in the City with more prohibition and with possible waivers. He said the County's ordinance looks good and covers the subject well. Councilman Abrams said he has a problem with part-time elected officials and full-time positions. He said he understands what Councilman Duncan is saying in that not to go with absolute prohibition but instead go with a Commission. The Commission would make a case by case decision. Councilman Duncan also mentioned the Dallas Ordinance which lists other prohibition, specifically letters "f" and "g" on page 55. Mr. Glasgow said he called the City of Dallas and discussed with the City Attorney their Ethics Ordinance. He explained that their ordinance applies more towards employees. Mr. Glasgow discussed with the Council the Dallas Ordinance and talked about full and proper discharge of duties. He said what the County has is along the same lines as "g" in the Dallas ordinance but uses different words.

Mr. Blick suggested that if the Council is not sure about the use of a Commission, to talk with Russ Brown or the County's Ethics Commission to explain how they make their decisions.

Councilwoman Hovsepien said she has a problem with "f", "Employment Restriction", on page 9 of the City's ordinance. She used the Mayor's job with Eisinger/Kilbane as an example. He took his job with them after the election and all kinds of questions have been raised. But if he had taken the job before the election, the voters could have raised their questions and made their feelings known on election day. Councilman Abrams said a way to handle the problem of taking a job after the election is to have a recall vote as recently suggested by Councilman Duncan.

The Council discussed the recall vote and quality and quantity standards. Mr. Blick reminded the Council that if quality and quantity standards are wanted, the Council needs to set the standards. Mayor pro tem Tyner asked that

the policy statement recently adopted by the Council be included in the ordinance. Mr. Glasgow said most of the items in the statement are in the ordinance.

Councilwoman Hovsepien asked if the County has specific prohibition written into their ordinance. Mr. Glasgow said there is specific restriction with objective standards. Councilwoman Hovsepien said she would like the section on "Political Activities of Officers" (page 56 "a" 1-4) in the Dallas Ordinance included in the City's ordinance. She explained that she had problems when Councilman Abrams ran for higher office while still on the City Council.

Mayor Freeland asked that the ordinance be sure to cover any kind of occupation - government as well as private.

Councilman Abrams suggested having an option put in whereby a person can disclose information before an election, rather than have total prohibition. Something along the lines of a statement of intention - "fact or intent" - to run or hold political office.

Mr. Glasgow reviewed what had been discussed by the Council this evening.

Re: Executive Session

There being no further business to come before the Council in work session, the meeting was closed for executive session in order to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 8:50 p.m. to convene again in executive session on Thursday, August 30, 1984, at 8:30 p.m. in the City Manager's Conference Room or at the call of the Mayor.